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### Remarks

In the present RCE, three claims (1, 12, and 13) are amended. No new matter is entered. Claims 1-23 are presented for examination.

#### I. Claim Rejections: 35 USC § 103

Claims 1-23 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,760,413 (hereafter Cannon) in view of USPN 6,647,107 (hereafter Horrer). Applicants respectfully traverse.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143.

Applicants assert that the rejection does not satisfy the criteria M.P.E.P. § 2143. Applicants provide examples of these deficiencies with regard to the independent claims (1, 12, 13, & 23). Other deficiencies exist as well, and Applicants do not waive the right to assert such deficiencies.

#### Claim 1

Claim 1 recites numerous limitations that are not taught or suggested in Cannon in view of Horrer. By way of example, claim 1 recites (emphasis added):

associated with said call-processing means, sensing means for providing real-time information signals indicative of real-time activity of plural persons that are proximate said call-processing means,

wherein said call-processing means conveys said information signals to a caller on a call into said input-output port prior to putting the call through to said telecommunications device.

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Nowhere does Cannon and/or Horrer teach or disclose a sensing means that provides signals indicative of real-time activity of plural persons that are proximate the call-processing means. Further, claim 1 recites that this information is provided prior to putting the call through to the telecommunications device.

Cannon teaches that local call related information can be provided to a caller (see col. 4, lines 21-27). This information includes information of a single called person, namely the identity of the person who answered the phone. Cannon teaches:

Examples of external devices 194 include, but in no way limited to, device capable of fingerprint identification, voice recognition, etc., to specifically identify the person who answered the called telephone. (Emphasis added: col. 5, lines 31-34).

Nowhere does Cannon teach or suggest a sensing means that provides information of real-time activity of "plural persons that are proximate" the call-processing means. Cannon only teaches providing information of the person who answers the telephone call.

Further, claim 1 recites that the information is provided prior to putting the call through to the telecommunications device. Cannon expressly teaches away from this claim limitation. Cannon teaches:

Upon connection of a telephone call between the calling party and the called party, the callee related information transmitter 130 transmits the local call related information 187 regarding some aspect of the called party back to the calling party. (Emphasis added: col. 5, lines 16-20)

Thus, in order for Cannon to transmit the voice recognition or fingerprint information of the callee, the person being called must first answer the phone (see also Cannon at col. 4, lines 21-26). The teaching of Cannon is in direct contrast to the limitations of claim 1 that recites conveying the information prior to putting the call through to said telecommunications device.

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The Office Action cites col. 3, lines 1-10 and argues that Cannon teaches that the callee related information can be transmitted to the caller before the called party answers the incoming phone call. Applicants respectfully argue that the Examiner is misconstruing Cannon. Specifically, Cannon expressly teaches that the called party's phone number can be returned to the caller using traditional caller ID techniques (see col. 3, lines 11-17). However, the voice recognition of the called party or the fingerprint recognition of the called party can only be captured once the called party answers the phone (i.e., "upon connection of the telephone call between the calling party and the called party." See col. 4, lines 21-26 and col. 5, lines 17 -34).

For at least these reasons, claim 1 is allowable over Cannon in view of Horrer. A dependent claim inherits the limitations of the base claim. Thus, for at least the reasons given in connection with independent claim 1, all dependent claims depending from claim 1 are also allowable over Cannon in view of Horrer.

#### Claim 12

Claim 12 recites numerous limitations that are not taught or suggested in Cannon in view of Horrer. By way of example, claim 12 recites (emphasis added):

real time information storage device for collecting and storing  
data representative of current activity of plural people proximate  
and relative to each said telecommunications device; and  
a processing device ... for transmitting said data to said first  
known location prior to routing said incoming call to said  
second known location.

Nowhere does Cannon and/or Horrer teach or disclose collecting and storing data representative of current activity of plural people proximate and relative to each telecommunications device. Further, claim 12 recites that the processing device transmits the data prior to routing the incoming call to the second known location.

For at least the reasons given in connection with claim 1, claim 12 is allowable over Cannon in view of Horrer.

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**Claim 13**

Claim 13 recites numerous limitations that are not taught or suggested in Cannon in view of Horrer. By way of example, claim 13 recites (emphasis added):

obtaining real-time information regarding the environment proximate said device;  
transmitting said real-time information to said caller prior to placing the incoming call through to the telecommunications device.

Nowhere does Cannon and/or Horrer teach or disclose obtaining real-time information regarding the environment proximate said device. The Office Action cites Cannon and states: "sensing means (detector/receiver 13 and callee related information transmitter 130)" (see OA, pages 2-3). Applicants respectfully disagree.

The detector/receiver 13 in Cannon is not for obtaining real-time information regarding the environment proximate a device. In fact, the detector/receiver 13 does not even obtain information regarding the environment at all. Cannon explicitly discusses the function of the detector/receiver 13:

A call information detector/receiver 13 is connected to the telephone line interface 12 to receive call related information with respect to an incoming telephone call, e.g., Caller ID information. The call related information can include, e.g., a telephone number, a personal name and/or a business name associated with the incoming telephone call or conference call participant. (Col. 3, lines 52-57).

Thus, the detector/receiver 13 is connected to the telephone line interface 12 to receive caller ID information. Cannon does not teach or suggest that the detector/receiver

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13 is for obtaining real-time information regarding the environment proximate said device. Cannon reiterates the function of the detector/receiver 13:

A call related information detector/receiver 13 is connected to the telephone line interface 112 to receive call related information with respect to an incoming telephone call, e.g., Caller ID information. (Col. 4, lines 59-63).

Applicants further respectfully request that the terms of a claim be given their plain meaning (see MPEP 2111.01). In this regard, Merriam-Webster Online dictionary ([www.merriam-webster.com](http://www.merriam-webster.com)) provides the following definition for environment:

1 : the circumstances, objects, or conditions by which one is surrounded.

Nowhere does Cannon in view of Horrер teach or suggest obtaining real-time information regarding the environment proximate said device.

Further, claim 13 recites that the information is transmitted to the caller prior to placing the call through to the telecommunications device. Cannon expressly teaches away from this claim limitation. Cannon teaches:

Upon connection of a telephone call between the calling party and the called party, the callee related information transmitter 130 transmits the local call related information 187 regarding some aspect of the called party back to the calling party. (Emphasis added: col. 5, lines 16-20)

Thus, in order for Cannon to transmit the voice recognition or fingerprint information of the callee, the person being called must first answer the phone (see also Cannon at col. 4, lines 21-26). The teaching of Cannon is in direct contrast to the

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limitations of claim 13 that recites transmitting the information prior to placing the incoming call through to the telecommunications device.

For at least these reasons, claim 13 is allowable over Cannon in view of Horrер. A dependent claim inherits the limitations of the base claim. Thus, for at least the reasons given in connection with independent claim 13, all dependent claims depending from claim 13 are also allowable over Cannon in view of Horrер.

### **Claim 23**

Claim 23 recites numerous limitations that are not taught or suggested in Cannon in view of Horrер. By way of example, claim 23 recites (emphasis added):

monitoring said first location for current activities within a known proximity to said first location;  
prior to connecting said call to said telecommunications device, transmitting a signal representative of said current activities to said second location using a second protocol.

Nowhere does Cannon and/or Horrер teach or disclose the above-emphasized limitations. First, claim 23 recites that the information is transmitted prior to connecting the call to the telecommunications device. Cannon expressly teaches away from this claim limitation. Cannon teaches:

Upon connection of a telephone call between the calling party and the called party, the callee related information transmitter 130 transmits the local call related information 187 regarding some aspect of the called party back to the calling party.  
(Emphasis added: col. 5, lines 16-20)

Thus, in order for Cannon to transmit the voice recognition or fingerprint information of the callee, the person being called must first answer the phone (see also Cannon at col. 4, lines 21-26). The teaching of Cannon is in direct contrast to the

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limitations of claim 23 that recites transmitting the information prior to connecting the call to the telecommunications device.

Second, claim 23 recites monitoring a first location for current activities within a known proximity to the first location. The Office Action cites Cannon and states: "sensing means (detector/receiver 13 and callee related information transmitter 130)" (see OA, pages 2-3). Applicants respectfully disagree.

The detector/receiver 13 in Cannon is not for monitoring a first location for current activities within a known proximity to the first location. In fact, the detector/receiver 13 does not even monitor a location of any activities at all. Cannon explicitly discusses the function of the detector/receiver 13:

A call information detector/receiver 13 is connected to the telephone line interface 12 to receive call related information with respect to an incoming telephone call, e.g., Caller ID information. The call related information can include, e.g., a telephone number, a personal name and/or a business name associated with the incoming telephone call or conference call participant. (Col. 3, lines 52-57).

Thus, the detector/receiver 13 is connected to the telephone line interface 12 to receive caller ID information. Cannon does not teach or suggest that the detector/receiver 13 is for monitoring a first location for current activities within a known proximity to the first location. Cannon reiterates the function of the detector/receiver 13:

A call related information detector/receiver 13 is connected to the telephone line interface 112 to receive call related information with respect to an incoming telephone call, e.g., Caller ID information. (Col. 4, lines 59-63).

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Applicants further respectfully request that the terms of a claim be given their plain meaning (see MPEP 2111.01). In this regard, Merriam-Webster Online dictionary ([www.merriam-webster.com](http://www.merriam-webster.com)) provides the following definition for activity:

- 1 : the quality or state of being active
- 2 : vigorous or energetic action : LIVELINESS

Nowhere does Cannon in view of Horrer teach or suggest monitoring a first location for current activities within a known proximity to the first location.

For at least these reasons, claim 23 is allowable over Cannon in view of Horrer.

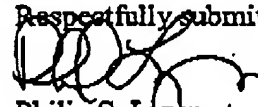
### CONCLUSION

In view of the above, Applicants believe all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

  
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### CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 571-273-8300 on this 3rd day of November, 2005.

By   
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